

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CREW ONE PRODUCTIONS, INC.  
Employer

and

Case 10-RC-124620

INTERNATIONAL ALLIANCE OF  
THEATRICAL STAGE EMPLOYEES  
Petitioner

ORDER

The Employer's and Petitioner's Requests for Review of the Regional Director's Decision and Direction of Election are denied as they raise no substantial issues warranting review.<sup>1</sup>

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., August 21, 2014

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<sup>1</sup> Contrary to our colleague's suggestion, the Regional Director examined both the factors that support and those that detract from independent contractor status. In addition, the Regional Director did evaluate the significance of independent contractor agreements signed by the stagehands. He simply found that their potential significance was undercut by the fact that they apparently were mandated by the Employer.

Unlike his colleagues, Member Miscimarra believes the Regional Director and Crew One have identified substantial questions that warrant granting review on whether stagehands are independent contractors or employees of Crew One. As to this issue, Member Miscimarra notes that the Regional Director determined certain factors favor independent contractor status; regarding certain other factors, the role of Crew One appears to be extremely limited given that most if not all performed work is directed and controlled by third party client(s); and Member Miscimarra believes the Board should determine what weight, if any, shall be afforded to written agreements stating that stagehands would work as independent contractors. Even though such agreements are not necessarily dispositive, it appears that they were afforded no weight in this case, although the Regional Director recognized that a material issue when evaluating employee status is whether, among other things, parties believed they were creating an employee or independent contractor relationship.